IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1846 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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K B TEXTILES PVT.LTD.

Versus

UNION OF INDIA

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Appearance:

MR PARESH M DAVE for Petitioner No. 1-2

MR MUKESH R SHAH for Respondent No. 1-3

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 29/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

1. Heard learned counsel. Rule. Mr.M.R. Shah learned counsel for the respondent waives service of rule on behalf of the respondents. The petitioner is aggrieved by the order dated 13th April, 1999 at annexure `N' of the petition as was passed by the Commissioner (Appeals) Customs and Central Excise, Surat. The petitioner has raised grievance that the unit was at Vapi and the said unit at Vapi was closed down during the pendency of appeal. The petitioner had submitted the new address before the appellate authority vide its letter dated 11th January, 1995, intimating the new address where the intimation with regard to the further correspondence is to be sent. Yet without any further intimation at the new address the appeal was decided against the present petitioner.

2. Mr.M.R. Shah, who appears for the respondents does not dispute the factual position that the appeal was decided without any intimation at the new address and that the change of address letter dated 11th January, 1995 had been duly received. Mr.M.R.Shah has also produced before us a copy of the order dated 10th January, 2001 passed in Special Civil Application No.23/2001, wherein the change in address was not conveyed and the order was passed and yet the matter was remanded.

3. In the facts and circumstances of the case we allow the Special Civil Application and set aside the impugned order passed by the Commissioner (Appeals) Customs and Central Excise, Surat at annexure `N' of the petition and it is directed that the appeal be heard after due notice to the petitioner. Both of them agreed to remain present before the appellate authority on 12th July, 2001. It is also stated that the matter is old one and the same shall be given on priority and shall be decided at the earliest possible opportunity. Rule is made absolute accordingly. No order as to costs.

29.6.2001. (M.R. Calla, J.)

(N.G. Nandi, J.)

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